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FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAY 14 2014

MAY 19 2014

U.S. DISTRICT COURT

D. MARK JONES, CLERK

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Central DIVISION

~~Cindy Ekins POA for~~ Troy Gustafson
(Full Name)

PLAINTIFF

vs.

CIVIL RIGHTS COMPLAINT
(42 U.S.C §1983, §1985)

CIVIL NO. _____
(Supplied by Clerk)

Case: 2:14cv00367
Assigned To : Benson, Dee
Assign. Date : 5/14/2014
Description: Gustafson v. Luke

UCMC Officer John Luke #11534
95 E. Ctr. St.
Crem, UT 84057

DEFENDANTS

A. JURISDICTION

1. Jurisdiction is proper in this court according to:

- a. ☒ 42 U.S.C. §1983
b. ☐ 42 U.S.C. §1985
c. ☐ Other (Please Specify) _____

2. NAME OF PLAINTIFF ~~Cindy Ekins POA for~~ Troy Gustafson 158020
IS A CITIZEN OF THE STATE OF Utah PO Box 250 PCF C-21

PRESENT MAILING ADDRESS:

Cindy Ekins
PO Box 474
Santaquin, UT 84655

3.

NAME OF FIRST DEFENDANT
IS A CITIZEN OF

4CMC
Officer John Luke # 11J34
Utah

(City and State)

IS EMPLOYED AS

Officer U.C.C. Major Crimes Task Force at Orem Utah

(Position and Title if Any)

(Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☒ NO ☐. If your answer is "YES" briefly explain.

Assisting in a traffic violation pull over of a vehicle in Spanish Fork, Utah.

4.

NAME OF SECOND DEFENDANT
(If applicable)

IS A CITIZEN OF

(City and State)

IS EMPLOYED AS

at

(Position and Title if Any)

(Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ☐ NO ☐. If your answer is "YES" briefly explain.

5.

NAME OF THIRD DEFENDANT
(If applicable)

IS A CITIZEN OF

(City and State)

IS EMPLOYED AS

at

(Position and Title if Any)

(Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ___ NO ___. If your answer is "YES" briefly explain.

6. NAME OF FOURTH DEFENDANT _____
(If applicable)

IS A CITIZEN OF _____
(city and State)

IS EMPLOYED AS _____ at _____.
(Position and Title if Any) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred?

YES ___ NO ___. If your answer is "YES" briefly explain.

(Use additional sheets of paper if necessary.)

B. NATURE OF CASE

1. Why are you bringing this case to court? Please explain the circumstances that led to the problem.

I was arrested by deadly force during a simple
traffic violation as a passenger of that vehicle,
I was on parole so I exited the vehicle and
while exiting was ran into 2 times by
a 2 ton SUV driven by John Luke. He
hit me twice in the back then jumped
on my back. When I finally got it
X-Rayed it had been broken. Officer Luke
helped defer proper medical treatment of my back.

C. CAUSE OF ACTION

1. I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

- a. (1) **Count I:** Luke broke my back by
Arrest by deadly force by hitting me
twice with 2 ton vehicle and jumping on my back,
- (2) **Supporting Facts:** (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing legal authority or arguments.)
Ran into my back twice
with his 2 ton ^{4 ton} vehicle
then jumped on back which
caused a compression
fracture of my spine.
No warning was given to me by Luke,
- b. (1) **Count II:** Helped defer proper medical X-Ray/MRI
treatment by information given to Dr. at MVH
on my broken back, in Payson UT
- (2) **Supporting Facts:** John Luke took me to Payson
Hospital/ Told DR Vizmeg I was in
handcuffs because of being
arrested for methamphetamines
Dr. said: "He's OK, after ^{20 minutes later} taking
my vitals - ~~take~~ him out and back him."
- c. (1) **Count III:** Improper treatment at UCI in SpRk UT
where John Luke took me - No medical X-Rays
for 2 weeks on my broken back,

c. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) My attorney misled me to plead guilty to charges not proven to receive less time in prison & parole violation!

d. Issues raised: _____

e. When did you file the lawsuit? _____
Date Month Year

f. When was it (will it be) decided? _____

2. Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C? YES ___ / NO X. If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

Am still working on legal forms.

F. REQUEST FOR RELIEF

1. I believe that I am entitled to the following relief:

Jury Trial and
All medical, Dr, hospital bills, ^{\$}2 million,
be paid by John Luke.
I have been suffering severely ^{and will for life...}
physically and mentally since this
happened. With hardly no proper
medical treatment for pain
and suffering and am asking
for 2 million dollars for that relief.

(2) **Supporting Facts:** John Luke took me to Utah County Jail where I didn't receive X-Rays on back that he broke for ^{almost} 2 weeks. 2 weeks can make a difference in the bone healing process.

D. INJURY

- 1. How have you been injured by the actions of the defendant(s)?**

Yes, John Luke broke my back. I will have pain and suffering from it for the rest of my life.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action or otherwise relate to the conditions of your imprisonment?

YES _____ / NO X. If your answer is "YES," describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

- a. Parties to previous lawsuit:**

Plaintiff(s): _____

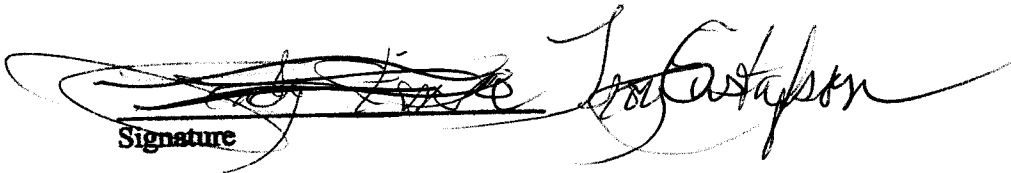
Defendant(s): _____

- b. Name of court and case or docket number. _____

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at Santaquiva^{UT} on May 9, 2014
(Location) (Date)


Signature

JURAT
State of Utah
County of Utah
Subscribed and sworn before me
this 9 day of May, 2014
by Cindy Ekins

Mandy Jeffs
Notary Public
My Commission Expires:
Oct. 8, 2016

